

Recommendations to Modernize NEPA Implementation

Interagency Work Groups

CEQ Point of Contact for Implementation:

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Work Groups:

- National Environmental Policy Act (NEPA) – Environmental Management Systems (EMS) Guide: see **Environmental Management Systems and NEPA** on pages 2 – 3
- Adaptive Management – EMS – NEPA Handbook: see **Adaptive Management, Environmental Management Systems and NEPA** on pages 4 – 5
- Aligning / Harmonizing NEPA and other Laws Handbook: see **Aligning / Harmonizing NEPA and other Laws** on pages 6 – 8
- Categorical Exclusions Guidance: see **Categorical Exclusions** on pages 9 – 10
- Collaboration Handbook: see **Collaboration** on pages 11 – 12
- EA Guidance: see **Environmental Assessments** on pages 13 – 14
- Programmatic Assessment Guidance: see **Programmatic Analyses** on pages 15 – 17
- Training Materials and Recommendations: see **Training** on pages 18 – 19
- Citizen Guide: see **Citizen Guide** on pages 20 – 21

Environmental Management Systems and NEPA

Interagency work group to develop a guide on linking the NEPA process with environmental management systems (EMS).

TIMELINES AND MILESTONES:

- Thru June 2006: Revise draft guide based on comments from federal agencies and CEQ NEPA Modernization Round Table participants
- July 2006: Prepare and issue Register Notice requesting public comments on the draft guide
- September 1, 2006: Comments due
- September - October 2006: Finalize NEPA-EMS guide and submit to CEQ

DESCRIPTION OF PROPOSED GUIDE:

Proposed guide is posted at <http://ceq.eh.doe.gov/ntf/implementation.html>

WORK GROUP MEMBERS:

Work Group Leader for NEPA – EMS Guidance:

- Matthew McMillen, Environmental Protection Specialist, Office of Environment and Energy, Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT)

Designated Members:

- Michael R. Barr, Environmental Specialist, U.S. Postal Service (USPS)
- Jack Bush, Senior Planner/NEPA Program Manager, Basing and Units – HQ U.S. Air Force (USAF)
- Michael (Mike) Green, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Malka Pattison, Program Analyst, Office of Policy Analysis, Office of the Secretary, U.S. Department of the Interior (DOI)
- Bruce Yeager, NEPA Team Leader/Senior Specialist, Tennessee Valley Authority (TVA)

Other Members:

- Joe Carbone, National Environmental Policy Act Coordinator, Office of Ecosystem Management, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Tara Conrad, Special Assistant, Office of the Secretary, DOI
- Will Garvey, Chair, EO 13148 Interagency Environmental Leadership Workgroup, U.S. Environmental Protection Agency (EPA)

- Chris Grubach, Manager for Safety, Health and Environment, U.S. Mint, Department of the Treasury
- Marlys Osterhues, Environmental Protection Specialist, Office of Project Development and Environmental Review, Federal Highway Administration (FHWA), DOT
- Edwin Pinero, Federal Environmental Executive, Office of the Federal Environmental Executive (OFEE)
- Carl Shapiro, Science Impact Program Coordinator, U.S. Geological Survey (USGS), DOI
- Mark Sudol, Chief Regulatory Program, U.S. Army Corps of Engineers
- Karen Waldvogel, Environmental Engineer, Office of Procurement and Property Management, Hazardous Materials Management Division, USDA
- Steven Woodbury, Environmental Protection Specialist, Office of Pollution Prevention and Resource Conservation Policy and Guidance, U.S. Department of Energy (DOE)

Adaptive Management, Environmental Management Systems and NEPA

Interagency work group to develop a handbook providing useful practices for linking NEPA adaptive management (AM) and EMS processes with case studies that highlight successful characteristics for AM and EMS to complement the NEPA process.

TIMELINES AND MILESTONES:

- Thru August 2006: Prepare draft for review and comment
- August 2006: Request comments from federal NEPA contacts and CEQ NEPA Modernization Round Table participants
- September – October 2006: Take comments into account and prepare handbook for review by all federal agencies and prepare Register Notice of the availability of the handbook for public review and comment
- November 2006: Public review and comment period
- December 2006 – January 2007: Take comments into account and revise draft AM Handbook
- February 2007: Submit AM Handbook to CEQ

DESCRIPTION OF PROPOSED GUIDEBOOK:

- I. Introduction
 - A. Purpose of the Handbook
 - B. What is Adaptive Management?
 - C. Work Group Approach
- II. CEQ and NEPA Modernization: Integrating Adaptive Management, NEPA and EMS Processes
 - A. Management issues and uncertainties prompting use of adaptive management
 - B. Role of EMS
 - C. Monitoring
 - D. Adapting to new information
 - E. Stakeholder and Public participation
 - F. Challenges and Benefits of using AM
- III. Lessons Learned from AM Case Studies
 - A. How science and monitoring are being used to support and adjust decisions
 - B. How stakeholders and the public are being incorporated into decisionmaking and implementation processes
 - C. How AM is being integrated with NEPA
 - D. How AM is being integrated with EMS

E. Advantages and disadvantages of integrating AM/NEPA/EMS processes

IV. Conclusion

V. Appendix: Case Studies

WORK GROUP MEMBERS:

Work Group Leader for Adaptive Management-Environmental Management Systems – NEPA Handbook:

- Malka Pattison, Program Analyst, Office of Policy Analysis, Office of the Secretary, U.S. Department of the Interior (DOI)

Designated Members:

- Michael (Mike) Green, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Steve Kokkinakis, Environmental Protection Specialist, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Bruce Yeager, NEPA Team Leader/Senior Specialist, Tennessee Valley Authority (TVA)

Other Members:

- Michael R. Barr, Environmental Specialist, U.S. Postal Service (USPS)
- Tara Conrad, Special Assistant, Office of the Secretary, DOI
- Will Garvey, Chair, EO 13148 Interagency Environmental Leadership Workgroup, U.S. Environmental Protection Agency (EPA)
- Chris Grubach, Manager for Safety, Health and Environment, U.S. Mint, Department of the Treasury
- Matthew McMillen, Environmental Protection Specialist, Office of Environment and Energy, Federal Aviation Administration (FAA), Department of Transportation (DOT)
- Edwin Pinero, Federal Environmental Executive, Office of the Federal Environmental Executive (OFEE)
- Carl Shapiro, Science Impact Program Coordinator, U.S. Geological Survey (USGS), DOI
- Mark Sudol, Chief Regulatory Program, U.S. Army Corps of Engineers
- Karen Waldvogel, Environmental Engineer, Office of Procurement and Property Management, Hazardous Materials Management Division, Department of Agriculture (USDA)
- Richard Whitley, Executive Liaison for Citizen Stewardship and Adaptive Management, Bureau of Land Management (BLM), DOI

Aligning (Harmonizing) NEPA and other Laws

Interagency work group to develop a handbook to address the coordination of NEPA with one or more major environmental consultation and coordination requirements.

TIMELINES AND MILESTONES:

- Thru June 2006: Draft the Handbook
- July 2006: Request comments from resource agency experts
- August – September 2006: Revise draft
- September 2006: request comments from federal NEPA contacts and CEQ NEPA Modernization Round Table participants
- October – November 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- December 2006: Comments due
- January – February 2007: Finalize Handbook
- March 2007: Submit Handbook to CEQ

DESCRIPTION OF PROPOSED HANDBOOK:

- I. Introduction
 - A. Establish a goal to ensure, to the maximum extent practicable, harmonizing completion of other environmental requirements during the NEPA process.
 - B. Recommend two-tiered approach to accomplish the goal:
 - i. documenting completion of the compliance requirements of the respective laws; or
 - ii. committing to a project-specific compliance program (e.g., historic data recovery and recordation) implemented during future project phases (design/construction or plan implementation)
 - C. Describe environmental resource focus (as opposed to statute/regulation focus) and overview of the approach outlined in the handbook.
- II. Detailed Procedures for the 4 Major Environmental Resources of Concern:
Suggest procedures to ensure compliance with the following during the NEPA process:
 1. Historic Properties (Section 106 of the National Historic Preservation Act [NHPA]);
 2. Air Quality Conformity Provisions of the Clean Air Act;
 3. Federally Listed Species and Critical Habitats (Section 7 of the Endangered Species Act [ESA]); and
 4. Waters of the United States, including wetlands and other aquatic resources (Section 404 of the Clean Water Act [CWA])

These 4 will be addressed by providing:

- A. Overview of compliance requirements of the respective laws, as well as their implementing regulations/policies/guidance
 - i. Discuss statute-specific provisions for combining their compliance requirements with the NEPA process (e.g., NHPA [36 CFR 800.8] and ESA [50 CFR 402.06]).
 - ii. Discuss whether the respective laws have their own NEPA compliance responsibilities (e.g., 404), and how those are traditionally addressed.
- B. Similarities/differences in the definitions (terms of art) used in the respective statutes.
- C. Commonalities in the respective processes that can run parallel with NEPA process.
- D. Identify potential challenges that inhibit parallel processing.
- E. Provide recommendations (with flow chart and/or cross-walk).

III. Overview of Procedures for other Environmental Requirements:

Suggest procedures to ensure compliance requirements for the following environmental resources/issues are met during the NEPA process:

- 1. Total Maximum Daily Load (TMDL) Provisions of the CWA.
- 2. Coastal Zones
- 3. Wild, Scenic, and Recreational Rivers
- 4. Essential Fish Habitat
- 5. Sole Source Aquifers
- 6. Marine Mammals
- 7. Floodplains
- 8. Migratory Birds
- 9. Environmentally Significant Agricultural Lands

For these 9, the work group will provide:

- A. Overview of compliance requirements.
- B. Discussion of whether these resource areas involve laws with their own NEPA compliance responsibilities.
- C. Discussion of how compliance is traditionally addressed.
- D. Similarities/differences in the definitions/terms of art.
- E. Commonalities in the respective resource area compliance processes that can run parallel with NEPA process and
- F. Identification of potential challenges that inhibit parallel processing with NEPA.

The list is not all inclusive; additional resources may be included or, depending on the time needed to complete the first two sections, may be addressed in a second Handbook.

WORK GROUP MEMBERS:

Work Group Leader for Harmonizing NEPA and other Laws Handbook:

- Robert Hargrove, Director, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Designated Members:

- David Blick, Historic Preservation Officer, U.S. Department of Housing and Urban Development (HUD)
- Steve Hocking, Interagency Coordinator, Federal Energy Regulatory Commission (FERC)
- Jomar Maldonado, Environmental Program Specialist, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)
- Tina Norwood, Cultural and Resource Management Programs, National Aeronautics and Space Administration (NASA)
- CDR Michael Palmer, Legal Counsel, Navy Chief of Naval Operations, Environmental Readiness (N45), U.S. Department of the Navy (DON)
- Charlene Vaughn, Assistant Director for Federal Program Development, Advisory Counsel on Historic Preservation (ACHP)
- Debra Yap, Director, Regulatory Study and Advocacy Division, General Services Administration (GSA)

Other members:

- LTCDR Hipfel, Legal Counsel, Navy Chief of Naval Operations Environmental Readiness (N45), DON
- MaryAnn Naber, Federal Preservation Officer, Federal Highways Administration, U.S. Department of Transportation (DOT)
- Kathleen Schamel, Federal Preservation Officer, Conservation and Environmental Programs Division, Farm Service Agency (FSA), U.S. Department of Agriculture (USDA)

Categorical Exclusions

Interagency work group to develop and recommend guidance on how to establish and revise categorical exclusions (CEs) and on how to apply a CE to a specific proposed action. The proposed guidance will include methods available to: describe a category of actions; substantiate the determination that the category of actions does not individually or cumulatively have a significant effect on the quality of the human environment; involve the public in the development of CEs; substantiate the determination that a CE is appropriately used for a proposed action; and better inform the interested and affected parties when a CE is used.

TIMELINES AND MILESTONES:

- May – June 2006: - provide draft guidance to federal agencies and CEQ NEPA Roundtable participants for 30 day comment period
- July – August 2006: receive comments from federal agencies and Roundtable participants and incorporate comments into draft guidance
- September 2006: Prepare and issue Register Notice requesting public comments on the draft guidance
- October – November 2006: review and incorporate public comments and complete final draft guidance
- December 2006: present guidance to CEQ

DESCRIPTION OF PROPOSED GUIDANCE:

- I. Introduction
- II. The Purpose for Establishing and Revising Categorical Exclusions
- III. Substantiating a New or Revised Categorical Exclusion
 - A. The Elements of a Categorical Exclusion
 - B. Gathering Information to Substantiate Experience
 - C. Post-implementation Evaluation
 - D. Demonstration projects
 - E. Information from Professional Staff and Expert Opinions or Scientific Analysis
 - F. Benchmarking: Federal Agencies' Categorical Exclusions
 - G. Benchmarking: Other Government Environmental Analyses
 - H. Refining a New or Revised Categorical Exclusion
- IV. Procedures for Establishing a New or Revising an Existing Categorical Exclusion

V. Public Involvement in Establishing or Revising a Categorical Exclusion

VI. Documenting Application of an Established Categorical Exclusion

VII. Periodic Review of Existing Categorical Exclusions

WORK GROUP MEMBERS:

Work Group Leaders:

- Catherine Lorraine, Director, Policy Development and Coordination Staff, Office of Policy, Food and Drug Administration (FDA), U.S. Department of Health and Human Services (DHHS)
- Brent Paul, Environmental Officer, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)

Designated Members:

- Troy Brady, Environmental Protection Specialist, Section of Environmental Analysis, Surface Transportation Board (STB)
- Reta Laford, NEPA Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Charles (Chuck) Nicholson, Senior NEPA Specialist, Tennessee Valley Authority (TVA)
- Walter Prybyla, Community Planner, Office of Environment and Energy, U.S. Department of Housing and Urban Development (HUD)
- Paul Robert, Environmental Engineer, Environmental Management Division, National Aeronautics and Space Administration (NASA)
- Lee Salviski, National NEPA Program Manager, General Services Administration (GSA)

Other Members:

- Suzanne Fitzpatrick, Science Advisor, Office of the Commissioner, Food and Drug Administration (FDA), DHHS
- Benjamin Harrison, Pacific Region Branch Chief, Refuge Planning, U.S Fish and Wildlife Service, U.S. Department of the Interior (DOI)
- Owen Lindauer, Project Development Specialist/ Archeologist, Office of Project Development and Environmental Review Federal Highway Administration (FHWA) , U.S. Department of Transportation (DOT)
- Carolyn Osborne, Supervisory Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)
- Marlys Osterhues, Environmental Protection Specialist, Office of Project Development and Environmental Review, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

Collaboration

Interagency work group to develop a handbook that provides the components of successful collaborative agreements, examples (templates) applicable to various types of NEPA analyses and stages of the NEPA process (from initiation or scoping through publication of NEPA documents); and case studies that showcase the characteristics of successful collaborative efforts.

TIMELINES AND MILESTONES:

- Thru August 2006: Complete draft guidance/handbook
- September 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- October – November 2006: Revise & prepare Federal Register Notice
- November 2006: Issue Federal Register Notice requesting public comments
- December – January 2007: Revise based on input received
- February 2007: Submit final draft guidance/handbook to CEQ

DESCRIPTION OF PROPOSED HANDBOOK/GUIDANCE:

Introduction

Defining Collaboration

- Definition and General Principles
 - Hallmarks of good collaboration
 - Introduction to cooperating agencies
 - When do you engage in collaboration? And when not

Benefits of Collaboration

- Why collaborate?
- Benefits to collaboration

When does collaboration in NEPA work best?

- When is collaboration appropriate
- When is collaboration NOT appropriate

How to Collaborate in NEPA?

- NEPA steps/basic approach to collaboration in a NEPA context
- Challenges/trouble shooting (FACA and NEPA included) and establishing mutual expectations
- Cooperating Agencies – How to fit with collaboration
- Strategies for preventing disputes

Toolbox

WORK GROUP MEMBERS:

Co-Leads for Collaboration Guidance and Handbook:

- Kirk Emerson, Director, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
- Elena Gonzalez, Director, Office of Collaborative Action and Dispute Resolution (CADR), U.S. Department of the Interior (DOI)
- Cliff Rader, Environmental Protection Specialist, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)
- Valerie Nottingham, Chief, Environmental Quality Branch, National Institute of Health (NIH), U.S. Department of Health and Human Services (DHHS)

Designated Members:

- Ms. Shelby Mendez, Environmental Protection Specialist, Strategic Planning Office, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Martha Twarkins, NEPA Specialist, Ecosystem Management Coordination staff (Washington Office), U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)

Other Members:

- Laura Bachle, Conflict Resolution Specialist, Office of General Counsel, EPA
- David Emerson, Natural Resource Program Coordinator, Office of Collaborative Action and Dispute Resolution (CADR), DOI
- Michael Eng, Senior Program Manager, U.S. Institute for Environmental Conflict Resolution, Morris K. Udall Foundation
- Ruth Rentch, Environmental Protection Specialist, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

Environmental Assessments

Interagency work group to develop and recommend guidance to federal agencies on environmental assessments (EAs). The proposed guidance will address: the requirements and contents of EAs; the appropriate range in size of EAs based on the magnitude and complexity of environmental issues, public concerns, and project scope; public involvement; alternatives; and mitigation, particularly when the EA concludes with a mitigated finding of no significant impact.

TIMELINES AND MILESTONES:

- Thru July 2006: Prepare draft guidance
- August 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- September – October 2006: Consider comments and prepare proposed guidance
- November 2006: Publish draft for public review and comment in Federal Register.
- December 2006 – January 2007: Finalize proposed guidance
- February 2007: Submit proposed guidance document to CEQ

DESCRIPTION OF PROPOSED GUIDANCE:

- I. Introduction
- II. Content of an EA
 - A. Purpose of an EA
 - B. Definitions
 - C. Minimum Requirements
 - D. General Contents Guidance
 - 1. Need for the Proposal
 - 2. Proposed Action and Alternatives
 - 3. Environmental Impacts
 - 4. Agencies and Persons Consulted
 - E. Contents Guidance for Sample EAs
 - F. Tools for Reducing Length of EAs
 - 1. Scoping
 - 2. Visualization Techniques
 - 3. Incorporation by Reference
- III. Public Involvement
 - A. Purpose of Public Involvement
 - B. Tools for Public Involvement
 - 1. Scoping

- 2. Notice
 - 3. Meetings and Hearings
 - 4. Other tools
 - C. Affected Communities
 - D. Public Involvement in the Context of Federal Grant Programs
 - E. Minimum Requirements
- IV. Alternatives
- V. Mitigation
 - A. Background
 - B. Meaning of Mitigation
 - C. Meaning of “Protective Measures”
 - D. Requirements for a Mitigated FONSI
 - 1. Implementation
 - 2. Monitoring
- VI. Conclusion

WORK GROUP MEMBERS:

Work Group Leader for EA Guidance:

- Ken Kumor, NASA NEPA Coordinator, Environmental Management Division, National Aeronautics and Space Administration (NASA)

Designated Members:

- Kim DePaul, Deputy Director, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)
- Harold Draper, NEPA Team Leader, Tennessee Valley Authority (TVA)
- Karen Foskey, Environmental Planning Lead, Office of the Chief of Naval Operations (N45), U.S. Navy (USN)
- Susan Koetting, Environmental Lawyer, U.S. Postal Service (USPS)
- Frank J. Monteferrante, Ph.D., Intergovernmental Affairs Specialist, Office of External Affairs and Communication, Economic Development Administration (EDA), U.S. Department of Commerce (DOC)
- Martha Twarkins, NEPA Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)

Other Members:

- Aung Gye, Community Planner, Office of Project Development and Environmental Review, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)
- Carrie Branson, Attorney, Law Department, U.S. Postal Service (USPS)
- Jomar Maldonado, Environmental Program Specialist, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security (DHS)

Programmatic Analyses

Interagency work group to develop and recommend guidance on providing a description in programmatic NEPA documents of when and how issues raised at the programmatic level will be subsequently addressed (“programmatic roadmap” guidance).

TIMELINES AND MILESTONES:

- April 2006: Provide proposed guidance for inclusion in Programmatic Guidance document being developed by work group described on page 16

DESCRIPTION OF GUIDANCE:

- I. Agencies should ensure that processes, "thresholds", or "triggers" for further action are clearly articulated in the programmatic document
- II. Decisions or analyses which are deferred to future documents should be articulated
- III. Explain how and when the stakeholder will be notified of any future actions or changes related to the programmatic analyses.

Attach Examples

WORK GROUP MEMBERS:

Work Group Leader for Programmatic “Roadmap” Guidance:

- Michael (Mike) McNeill, Environmental Engineer; Headquarters, National Aeronautics and Space Administration (NASA)

Other Members:

- Eric Cohen, Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)
- Pam Stephenson, Senior Environmental Protection Specialist, Office of Project Development and Environmental Review HEPE, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)

Programmatic Analyses

Interagency work group to develop and recommend guidance on the different uses of programmatic analyses, and the appropriate scope, range of issues, depth of analyses, and the level of description required for documenting programmatic analyses.

TIMELINES AND MILESTONES:

- Thru July 06: Complete draft guidance
- August 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- September – October 2006: Revise based on input.
- November 2006: Publish draft for review in Federal Register.
- December 2006 – January 2007: Review comments received and revise final draft.
- February 2007: Deliver proposed guidance to CEQ.

DESCRIPTION OF PROPOSED GUIDANCE:

- I. Introduction
- II. Guidance on:
 - A. Uses
 - B. Scope/range of issues
 - C. Scope/depth of analysis
 - D. Documentation required
 - E. Periodic review/update
- III. Appendix: question and answer format.

WORK GROUP MEMBERS:

Work Group Leader for Programmatic Guidance:

- John Hansel, NEPA Coordinator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)

Designated Members:

- Harold Draper, NEPA Team Leader, Tennessee Valley Authority (TVA)
- Peter Gaulke, National Environmental Policy Act Specialist, Ecosystem Management Coordination, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)
- Elaine Suriano, Environmental Scientist, NEPA Compliance Division, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Other Members:

- Joe Carbone, National Environmental Policy Act Coordinator, Ecosystem Management Coordination, U.S. Forest Service (USFS), USDA

- Eric Cohen, Environmental Protection Specialist, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy (DOE)

Training

Interagency work group to develop and recommend NEPA training for: senior decisionmakers that describes how a well run NEPA process benefits management and emphasizes early involvement and collaboration; and interested and affected parties (such as permit applicants, state and local governments) on the principles of NEPA and NEPA requirements, agencies' missions, scoping, collaboration skills, dispute resolution, and effective public involvement.

TIMELINES AND MILESTONES:

- May – September 2006: Refine generic modules and develop overall constituent training products
- October 2006: Review training with constituents, develop delivery strategy with constituent groups
- November-December 2006: Revise and finalize materials based on pilot training results
- December 2006: Deliver training materials to CEQ along with delivery strategies

DESCRIPTION OF PROPOSED TRAINING MATERIALS:

Flexible, modular NEPA training for senior federal decision makers and key constituents in both abbreviated and longer formats which would allow for expanded content, opportunities for hands on experiences, and adaptation to meet both a range of needs and time constraints. Associated resource materials will include both CD and web access to NEPA law, regulations, procedures, guidance, training and related resource materials. Separate training will be developed from the content modules for:

1. Senior Decision Makers
2. State and Local Governments
3. Tribes/Nations
4. NGOs
5. Permittees/Grantees

Training modules will include information on why NEPA is important--the benefits as well as challenges, NEPA law and CEQ umbrella regulations, Federal agency implementation, organization and roles, integrating decision making, the roles and means of engaging state and local governments, tribes, permit and grant applicants, NGOs and the public, collaboration and conflict resolution, scope and substance of NEPA analyses, review of NEPA documents, follow up and monitoring of results, financial, technical and capacity building resources evaluation and feedback.

WORK GROUP MEMBERS:

Work Group Leader for Training Recommendations:

- Cheryl Wasserman, Associate Director for Policy Analysis, Office of Federal Activities, U.S. Environmental Protection Agency (EPA)

Designated Members:

- Francis (Chip) Cameron, (Leader for NGO NEPA Training), Special Counsel for Public Liaison / Dispute Resolution Specialist, Nuclear Regulatory Commission (NRC)
- John Hansel (Co-Leader for Senior Decision maker Training), NEPA Coordinator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce (DOC)
- Steve Kokkinakis, Environmental Protection Specialist, Policy and Planning Implementation / Strategic Planning (PPI/SP), National Oceanic and Atmospheric Administration (NOAA)
- Tina Norwood, (Co-Leader for Senior Decision maker Training) Environmental Protection Specialist, Cultural and Resource Management Programs, National Aeronautics and Space Administration (NASA)
- Jeffrey Steinberg, (Co-Leader for Permit and Grant Applicant Training) Deputy Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC)
- Frank Stilwell, , (Co-Leader for Permit and Grant Applicant Training), Senior Attorney, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, Federal Communications Commission (FCC)
- Robert (Rob) Winthrop, (Leader for State and Local Government Training) Senior Social Scientist, Bureau of Land Management, Department of Interior

Other Members:

- Steve Aoyama, Environmental Engineer, Division of Sanitation Facilities Construction, Indian Health Service, Department of Health and Human Services (DHHS)
- Catherine Butler, Federal Communications Commission, FCC
- Bonnie Gallahan, Education, Outreach and Tribal Liaison, U.S. Geological Survey (USGS)
- Lee Jessee, NEPA Specialist, Office of NEPA Policy and Compliance (Code EH-42), Department of Energy (DOE)
- Kathryn Lynn, Office of Collaborative Action and Dispute Resolution, U.S. Department of the Interior
- Chip Smith, Assistant for Environment, Tribal and Regulatory Affairs, Office of the Assistant Secretary of the Army (Civil Works)
- Lamar Smith, Oversight Team Leader, Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT)
- Richard (Rick) Wadleigh, Tribal Liaison, Animal and Plant Health Inspection Service, U.S. Department of Agriculture
- Janice Whitney, Consultation Specialist, Indigenous Environmental Affairs, EPA
- Christine Yost, Tribal Liaison, EPA Region 2

Citizen Guide

Develop handbook that describes how interested and affected parties (e.g. the public, tribes, NGOs, permit applicants, and state and local governments) can be involved in the NEPA process in order to inform and focus a timely process.

TIMELINES AND MILESTONES:

- Thru June 2006: Prepare draft Guide
- July 2006: Request comments from federal agencies and CEQ NEPA Modernization Round Table participants
- August – September 2006: Consider comments and finalize

DESCRIPTION OF PROPOSED GUIDE:

- I. Purpose of the Guide
- II. What is NEPA/why is the NEPA process used/note its abilities and limitations
 - A. Section 101 policy
 - B. Section 102 agency decision making process.
 - C. Who does NEPA apply to?
 - D. Connection of NEPA to Decisions
 - E. Purpose that NEPA serves for Agencies, Developers, Citizens, etc.
 - F. Obligations of Agencies
- III. The Mechanics of the NEPA Process Demystified
 - A. Difference between EA and EIS (include chart)
 - B. EPA review process
- IV. When to get involved
 - A. Different agencies use different processes
 - B. Scoping:
 - C. Public Comment Periods
 - D. Methods for addressing the agency decision maker
- V. How to get involved
 - A. MOU participant, project planning teams, etc.
 - B. How to gain a level playing field
 - C. How to stay involved (adaptive management monitoring, etc.)
 - D. Several case studies
- VI. What if involvement isn't going well?
 - A. Tools
 - i. Informal Dispute Resolution with the project team

- ii. Alternative Dispute Resolution: The US Institute for Environmental Conflict Resolution
- iii. Contacting CEQ
- iv. Contacting your Congressional delegation
- v. Litigation
 - 1. Administrative Procedure Act
- B. Findings of the National Environmental Conflict Resolution Advisory Committee

IX. References

CEQ contract with The Clark Group, LLC